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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,867	03/18/2004	Steven M. Nielsen	59622US002	7666

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EXAMINER

BRUENJES, CHRISTOPHER P

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,867

Applicant(s)

NIELSEN ET AL.

Examiner

Christopher P. Bruenjes

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20040318, 20050118, 20050706.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I claims 1-16 and 21 in the reply filed on December 1, 2005 is acknowledged.

2. Claims 17-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 1, 2005.

Specification

3. The disclosure is objected to because of the following informalities: On page 4, line 20 the reference number "301" should be "330". This appears to be a typing error and should be corrected.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 9-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 9, the limitation "is selected from" renders the claim vague and indefinite because it is not understood whether this limitation is intended to be a Markush group or if the flexible substrate requires fabric and polymeric film. If a Markush group is desired it is suggested that the limitation be changed to "the flexible substrate comprises a material selected from the group consisting of fabric and polymeric film". If the flexible substrate is required to have both fabric and polymeric film it is suggested to change the limitation to "the flexible substrate comprising fabric and polymeric film". Clarification is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-16 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Nielsen et al (US 2002/0106486 A1).

Regarding claims 1 and 21, Nielsen et al anticipate a roll-up sign comprising at least one pocket (reference number 60, Figure 6). The pockets are formed from tear resistant film (p.6, paragraph 48), and the tear resistant film is described as flexible and is bonded to the retroreflective layer by melt bonding or adhesive bonding (p.6, paragraph 47). Therefore, a pair of unstitched bonds that form an enclosure having at least one opening there between defines the pocket. Regarding claim 2, the sign is flexible such that the sign can be wrapped around a mandrel having a diameter of about $\frac{1}{2}$ inch at 25°C without visible cracking (p., paragraph 9). Regarding claims 3 and 4, the unstitched peripheral bonds are melt bonded or adhesive bonded (p.6, paragraph 47). Regarding claims 5-6, the sign comprises a viewing surface comprising retroreflective sheeting and a non-viewing surface comprising the pockets (Figure 6 and p.3, paragraph 25). Regarding claim 7, the non-viewing surface comprises a backing (p.3, paragraph 27). Regarding claims 9 and 10, the flexible substrate is selected from polymeric film (p4, paragraph 34), so the substrate does not require a fabric

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whether that fabric is coated or not. Regarding claims 11 and 12, the sign is quadrilateral having four corners with pockets in the corners (Figure 6). Regarding claim 13, the article is free of stitched bonds because it teaches bonding by welding and does not mention bonding by stitching. Regarding claim 14, the article further comprises a support removably attached to the sign by means of the pocket (p.2, paragraph 20). Regarding claims 15 and 16, Nielsen et al anticipate a flexible article comprising a viewing surface wherein at least a portion thereof is retroreflective and comprises indicia or graphics and at least one pocket comprised of a flexible substrate wherein the pocket is defined by a pair of unstitched bonds that form an enclosure having at least one opening there between (Figure 6, and the arguments presented above with regard to claim 1).

6. Claims 1-11, 13-16 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Slood (US 2002/0098312 A1).

Regarding claims 1 and 21, Slood anticipates a sign comprising at least one pocket (Figures 7 and 12). Note The limitations "sign" and "pocket" are given their broadest reasonable interpretation. In this case, the broadest reasonable interpretation of "sign" is an article that displays

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information, in this case safety information by providing a reflective vinyl strip (p.1, paragraph 12). The broadest reasonable interpretation of "pocket" is as it is defined in the claim as a flexible substrate defined by a pair of unstitched bonds that form an enclosure having at least one opening there between, which is anticipated by the mitt of Figure 7 and the bag of Figure 12. The entire article is formed by unstitched bonds (p.1, paragraph 13). Regarding claim 2, inherently a mitt and flexible bag can be wrapped around a mandrel having a diameter of about $\frac{1}{2}$ inch at 25°C without visible cracking since both are flexible and are meant to bend and wrap around objects without cracking. Regarding claims 3 and 4, the unstitched bonds are formed by melt bonding in the fact that the vinyl is melt bonded to form the bond and adhesive bonded in the fact that the vinyl is applied to the fabric layers to act as a adhesive in bonding the two fabric layers together. Regarding claim 5, the pocket is present throughout the entire article since the article is one giant pocket. Therefore, the pocket is present on the non-viewing surface. Regarding claim 6, the viewing surface comprises retroreflective sheeting (p.2, paragraph 40). Regarding claims 7 and 8, the non-viewing surface or interior of the bag or mitt comprises a backing and the flexible substrate consists of the backing since the fabric

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forming the mitt or bag is the flexible substrate and backing of the sign. Regarding claims 9 and 10, the flexible substrate is fabric comprising a polymeric coating used to bond the fabrics together (p.2, paragraph 40). Regarding claim 11, the sign is a quadrilateral having four corners (Figure 12). Regarding claim 13, the article is free of stitched bonds (p.1, paragraph 13). Regarding claim 14, a hand placed in the mitt is a support removably attached to the sign by means of the pocket. Regarding claims 15 and 16, Sloom anticipates a flexible article comprising a viewing surface wherein at least a portion thereof is retroreflective and comprises indicia or graphics and at least one pocket comprised of a flexible substrate wherein the pocket is defined by a pair of unstitched bonds that form an enclosure having at least one opening there between (p.2, paragraph 40, and the arguments presented above with regard to claim 1).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cowgill et al (USPN 5,694,711); Eden (USPN 5,175,646).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to

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Christopher P. Bruenjes whose telephone number is 571-272-1489.

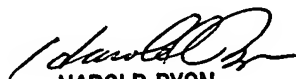
The examiner can normally be reached on Monday thru Friday from 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher P Bruenjes
Examiner
Art Unit 1772

CPB
January 19, 2006


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

1/20/06